REMARKS

By this Amendment, claims 1, 4 and 9-10 are amended to merely clarify the recited subject matter in accordance with the matters discussed during the personal interview, conducted between the Examiner and Applicant's undersigned representative. Claim 10 has been amended in accordance with the suggestions provided in the outstanding Office Action.

Additionally, claims 2 and 3 are cancelled without prejudice or disclaimer and new claim 11 is added to more fully disclose the invention; new claim 11 is patentable for reasons similar to those asserted herein with regard to the other pending, independent claims. Claims 1 and 4-11 are pending.

The Office Action rejected claims 1, 2 and 9 under §102(a) based on Suvanen et al. (WO 96/42142; hereafter "Suvanen"), rejected claims 3-8 under §103(a) based on Suvanen and Kokko et al. (U.S. 5,790,534; hereafter "Kokko") and rejected claim 10 under §103(a) based on Suvanen and Jarvinen et al. (U.S. 5,960,389; hereafter "Jarvinen"). The rejections of claims 2 and 3 are rendered moot by their cancellation. Applicant traverses the prior art rejections of the remaining claims because the cited prior art references, analyzed individually or in combination, fail to disclose, teach or suggest all the features recited in the rejected claims.

As discussed during the personal interview, the cited prior art, and particularly Suvanen fails to disclose, teach or suggest the claimed transmission of a control signal via a radio path to a mobile station in order to regulate filter parameters or a threshold value which the mobile station utilizes for discriminating speech and background noise. In fact, Suvanen merely teaches that a mobile station may be commanded to DTX (page 14, lines 4 to 5). Further, Suvanen, analyzed individually of in combination with the other cited prior art fails to disclose, teach or suggest any adjustment of filter parameters or threshold value in a mobile station in response to control signals transmitted to the mobile station via a radio path.

Applicant also notes that the Office Action incorrectly asserted that Suvanen's calculation of parameters for background noise that are used for updating the noise parameters at the receiving side corresponds to the claimed control signal (command) for adjusting parameters. That assertion is incorrect. The cited passage of Suvanen merely discloses how a mobile station calculates SID frames which are transmitted to the base station to generate comfort noise. Therefore, the transmission direction of those frames is in the opposite direction as the claimed transmission of control signals to the mobile station.

Additionally, Suvanen (analyzed individually or in combination with the other cited prior art) does not disclose, teach or suggest the transmission of parameters that indicate how sound signals received through a microphone should be discriminated. To the contrary, in Suvanen, the base station that receives SID frames does not use them to discriminate sound signals received via a microphone; this is because it would be surprising if the base station would have a microphone at all.

Applicant further submits that the newly added language that clarifies how load balancing is performed in claims 1, 4 and 11 is not disclosed, taught or suggest by the cited prior art, in particular Kokko. Previously, cancelled claim 3 was rejected and an assertion was made that its subject matter (which has now been incorporated into independent claim 1 and similar subject matter to claims 4 and 11) was taught by Kokko. Indeed, Kokko does relate to a solution where "load balancing" is implemented. However, Kokko fails to disclose, teach or suggest that load balancing should be carried out by transmitting control signals to mobile stations to adjust their filter parameters or threshold value which they use for discriminating speech and background noise. Thus, the combined teachings of Suvanen and Kokko would fail to disclose, teach or suggest the claimed invention.

Jarvinen similarly fails to remedy that deficiency of Suvanen and Kokko because Jarvinen merely provides a solution for enhancing an experience of a receiver by improving/enhancing the utilized comfort noise generation algorithms. However, that enhancement is provided in the receiver terminal when discontinuous transmission is used. Thus, Jarvinen fails to disclose, teach or suggest adjusting an amount of load in the network by commanding, via a radio path, a mobile station to regulate the parameters which it uses for discriminating speech and background noise. Therefore, the combined teachings of Suvanen, Kokko and Jarvinen fail to provide all the features of the rejected claims.

Therefore, the combined teachings of Suvanen, Jarvinen and Kokko, analyzed individually or in combination, fail to disclose, teach or suggest a solution in which a mobile station is commanded, via a radio path, to regulate the parameters which it uses for discriminating speech and background noise. Therefore, claims 1 and 4-11 are allowable.

All issues having been traversed, Applicant submits that the application is in condition for immediate allowance and requests that a Notice be issued to that effect. If anything remains necessary to place the application in condition for allowance, Applicant requests that the Examiner contact Applicant's undersigned representative.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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